



San Joaquin County

Emergency Medical Services Agency



<http://www.sjgov.org/ems>

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Re: Public Comment EMSA #141

Dear Ms. Sinz:

The San Joaquin County EMS Agency has the following comments to submit regarding the public draft version of EMS Guideline 141, Exclusive Operating Areas.

Manner and Scope: The definition of manner and scope and how this definition will be applied to local EMS agency transportation plans is unclear. The EMS Act empowered California's Counties with the authority to plan, implement, and evaluate local EMS systems. San Joaquin County believes that counties, not the State, are in the best position to determine the impact of boundary changes to local ambulance services areas and the "economic distribution" of calls within those service areas. San Joaquin County encourages the EMS Authority to clearly recognize the authority of counties to develop ambulance service areas that meet the needs of its citizens.

Ten-Year Limitation on Contracts: Ambulance franchising is significantly different in form and substance than that of typical government purchased services. Ambulance contracts are but one example of franchise contracts (garbage, sewer, cable) that counties and other municipal governments may find best suited to long-term contract periods in order to entice bidders willing to make significant financial investments in capital purchases and construction (e.g. ambulance vehicle fleets, dispatch center and communication system construction). The EMS Authority's choice to impose a ten-year limit on ambulance contracts appears to be arbitrary in nature. As no contract limit is imposed on the states by the U.S. Supreme Court in its decision in *Community Communications Co., Inc. v. City of Boulder (1982)*, 455 U.S. 40, or on the counties in by AB 3153 (Bronzan).

In addition the EMS Authority should review the recent appellate decision issued in the Butte County litigation and ensure that guideline #141 is not in conflict the appellate court's decision.

Sincerely,

Dan Burch
EMS Administrator